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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,819	11/15/2001	James Macor	501042-A-01-US	6862

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EXAMINER
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GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 10/002,819	<b>Applicant(s)</b> MACOR, JAMES	
	<b>Examiner</b> Gerald Gauthier	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 30, 2006 has been entered.

### ***Claim Objections***

2. **Claim(s) 35** is objected to because of the following informalities: line 2, "comprising;" should be deleted. Correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim(s) 21-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin (US 6,014,559) in view of Schiffer (US 6,871,063 B1).

Regarding **claim(s) 21, 29, 35 and 42**, Amin discloses a wireless security and access device for interacting with a personal computer (FIG. 1 and column 1, lines 7-10), the device comprising:

a housing (10 on FIG. 1);

a wireless radio receiver embedded in the housing for receiving notification of a first personal computer's receipt of an electronic message (column 6, lines 45-57);

a processor and memory embedded in the housing for processing and storing the notification (column 7, lines 3-11);

an indicator for displaying the notification (column 7, lines 3-11); and

a radio transmitter embedded in the housing for transmitting a preset unique radio signal (column 7, lines 12-24).

Amin fails to disclose the preset unique radio signal from the wireless security and access device is sent to a radio receiver of a second personal computer.



However, Schiffer teaches wherein the preset unique radio signal from the wireless security and access device is sent to a radio receiver of a second personal computer (column 4, lines 10-37); and

upon receiving the preset unique radio signal, the second personal computer opens at least one program (column 4, lines 54-59);

wherein the second personal computer is the first personal computer or is linked to the first personal computer (column 4, lines 38-52).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Amin using the teaching of accessing a computer system as taught by Schiffer.

This modification of the invention enables the system to send a preset unique radio signal from the wireless security and access device to a radio receiver of a second personal computer so that the user would access the computer remotely.

Regarding **claim(s) 22 and 30**, Schiffer teaches a device, wherein upon receiving the preset unique radio signal, the second personal computer is turned on to run a start-up process of the second personal computer (column 1, lines 61-67).

Regarding **claim(s) 23, 31, 36 and 43**, Schiffer teaches a device, wherein a password is preset to unlock the second personal computer, and upon receiving the preset unique radio signal, the second personal computer is unlocked to open the at least one program without entering the password (column 1, lines 61-67).



Regarding **claim(s) 24, 32, 37 and 44**, Amin discloses a device, wherein the at least program is a message access program (column 7, lines 3-11).

Regarding **claim(s) 25, 33, 38 and 45**, Schiffer teaches a device, wherein the second personal computer is the first personal computer, and upon receiving the preset unique radio signal, the second personal computer opens the message access program and displays the electronic message at the second personal computer (column 1, lines 61-67).

Regarding **claim(s) 27 and 40**, Schiffer teaches a device, further comprising a display for displaying time of the first personal computer's receipt of the electronic message and information of the sender of the electronic message (column 2, lines 5-13).

Regarding **claim(s) 28 and 41**, Schiffer teaches a device, wherein the wireless security and access device is incorporated into a wireless telephone handset (100 on FIG. 1).

***Allowable Subject Matter***

6. **Claim(s) 26, 34, 39 and 46** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Response to Arguments***

7. Applicant's arguments with respect to **claim(s) 21-46** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**GERALD GAUTHIER**  
**PATENT EXAMINER**

GG

August 7, 2006

Gerald Gauthier  
Examiner  
Art Unit 2614